

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re CHEMED CORP. SECURITIES)	No. 1:12-cv-00028-MRB
LITIGATION)	
_____)	<u>CLASS ACTION</u>
)	
This Document Relates To:)	Judge Michael R. Barrett
)	
ALL ACTIONS.)	
_____)	

NOTICE OF LITIGATION RECENTLY FILED BY
UNITED STATES DEPARTMENT OF JUSTICE

Lead Plaintiffs file this notice to bring to this Court's attention a complaint filed in the United States District Court for the Western District of Missouri, Western Division on May 2, 2013, by the United States of America against Chemed Corporation and numerous Vitas entities, titled *United States of America v. Vitas Hospice Services, L.L.C, et al.*, 4:13-cv-00449-BCW (the "DOJ Complaint"; attached as Exhibit 1 hereto). The DOJ Complaint alleges facts similar to those alleged by Lead Plaintiffs here, including, among other things, that Chemed and Vitas:

submitted or caused the submission of false claims to the Medicare program by both: (a) billing Medicare for more costly crisis care services when certain patients did not need crisis care services or when Vitas, in fact, did not provide such services, or Vitas provided inappropriate medical care, and (b) admitting certain patients who were not eligible to receive hospice services (instead of curative care), because the patients did not have a life expectancy of six months or less if their illnesses ran their normal course. Chemed and Vitas also submitted or caused to be submitted fraudulent records and statements in support of their false claims for payment to the Medicare Program.

Exhibit 1 at ¶9. Lead Plaintiffs are in the process of reviewing and analyzing the DOJ Complaint and are considering seeking leave of Court to file an amended complaint. Lead Plaintiffs expect to be in position to report back to the Court on this matter within one week.

DATED: May 3, 2013

Respectfully submitted,

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Co-Lead Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ Jeffrey S. Goldenberg